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**OFFICE OF PETITIONS
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In re Application of :
Tyminski et al. :
Application No. 09/680,052 : ON PETITION
Filed: 5 October, 2000 :
Attorney Docket No. IMAGING 1 : -

This is a decision on the petition under 37 CFR 1.182, filed on 7 February, 2001, to change the order of the names of the inventors.

The petition is **dismissed as moot.**

37 CFR 1.41(a)(1) now defines the inventorship of a non-provisional application as that inventorship set forth in the oath or declaration filed to comply with the requirements of 37 CFR 1.63.

As the application was not filed with an executed oath or declaration, and the executed declaration filed on 12 January, 2001, correctly lists the desired order of inventors, no petition under 37 CFR 1.182 is necessary. The \$130.00 petition fee is therefore unnecessary and will be refunded to counsel's Deposit Account, No. 50-1273.

The application file is being forwarded to Office of Application Branch Data Input to correct the order of inventorship in accordance with the declaration filed on 12 January, 2001. Thereafter, the application will be forwarded to Initial Patent Examination Division for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 308-6918.

Douglas I. Wood
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy